

SENATE BILL

No. 1711

Introduced by Senator Ortiz

February 24, 2006

An act to amend Section 104900 of the Health and Safety Code, relating to flu vaccinations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1711, as amended, Ortiz. Flu vaccinations: report.

Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations, as specified.

This bill would require the department ~~to report annually to the Legislature the amount of flu vaccine that it distributes, or an entity with whom the department contracts with for this purpose, to evaluate the effectiveness of the department's current system of distributing the flu vaccine~~ to local governmental or private, nonprofit agencies and *report its findings to the Legislature, no later than January 1, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 104900 of the Health and Safety Code
- 2 is amended to read:
- 3 104900. (a) The department shall provide appropriate flu
- 4 vaccine to local governmental or private, nonprofit agencies at no
- 5 charge in order that the agencies may provide the vaccine, at a

1 minimal cost, at accessible locations in the order of priority first,
2 for all persons 60 years of age or older in this state and then to
3 any other high-risk groups identified by the United States Public
4 Health Service. The department and the State Department of
5 Aging shall prepare, publish, and disseminate information
6 regarding the availability of the vaccine and the effectiveness of
7 the vaccine in protecting the health of older persons.

8 (b) The department may provide appropriate pneumonia
9 vaccine to local governmental or private, nonprofit agencies at no
10 charge in order that the agencies may provide the vaccine, at a
11 minimal cost, at accessible locations for groups identified as high
12 risk by the United States Public Health Service.

13 (c) The program shall be designed to utilize voluntary
14 assistance from public or private sectors in administering the
15 vaccines. However, local governmental or private, nonprofit
16 agencies may charge and retain a fee not exceeding two dollars
17 (\$2) per person to offset administrative operating costs.

18 (d) Except when the department determines that it is not
19 feasible to utilize federal funds due to excessive administrative
20 costs, the department shall seek and utilize available federal
21 funds to the maximum extent possible for the cost of the vaccine,
22 the cost of administering the vaccine and the minimal fee
23 charged under this section, including reimbursement under the
24 Medi-Cal program for persons eligible therefor to the extent
25 permitted by federal law.

26 (e) Administration of the vaccine shall be performed either by
27 a physician, a registered nurse, or a licensed vocational nurse
28 acting within the scope of their professional practice acts. The
29 physician under whose direction the registered nurse or a
30 licensed vocational nurse is acting shall require the nurse to
31 satisfactorily demonstrate familiarity with (1) contraindication
32 for the administration of the immunizing agents, (2) treatment of
33 possible anaphylactic reactions, and (3) the administration of
34 treatment, and reactions to the immunizing agents.

35 (f) No private, nonprofit volunteer agency whose involvement
36 with an immunization program governed by this section is
37 limited to the provision of a clinic site or promotional and
38 logistical support pursuant to subdivision (c), or any employee or
39 member thereof, shall be liable for any injury caused by an act or
40 omission in the administration of the vaccine or other

1 immunizing agent to a person 60 years of age or older or to
2 members of high-risk groups identified by the United States
3 Public Health Service, if the immunization is performed pursuant
4 to this section in conformity with applicable federal, state, or
5 local governmental standards and the act or omission does not
6 constitute willful misconduct or gross negligence. As used in this
7 subdivision, “injury” includes the residual effects of the vaccine
8 or other immunizing agent. It is the intent of the Legislature in
9 adding this subdivision to affect only the liability of private,
10 nonprofit volunteer agencies and their members that are not
11 health facilities as defined in Section 1250.

12 (g) Nothing in this section shall be construed to require
13 physical presence of a directing or supervising physician, or the
14 examination by a physician of persons to be tested or immunized.

15 (h) ~~The department shall report annually to the Legislature the~~
16 ~~amount of flu vaccine that it distributes, or an entity with whom~~
17 ~~the department contracts for this purpose, shall evaluate the~~
18 ~~effectiveness of the department’s current system of distributing~~
19 ~~the flu vaccine to local governmental and private, nonprofit~~
20 ~~agencies and report its findings to Legislature no later than~~
21 ~~January 1, 2008.~~